

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MARNAY HARRIS,

Plaintiff,

V.

GUILD MORTGAGE LLC,

Defendant.

CIVIL ACTION FILE
NO.

NOTICE OF REMOVAL OF CIVIL ACTION FROM THE
MAGISTRATE COURT OF GWINNETT COUNTY, GEORGIA

TO: Honorable Judges of the United States District Court for the Northern District of Georgia, Atlanta Division

Defendant, Guild Mortgage Company LLC ("Defendant" or "Guild"), the properly named Defendant in this action, by and through its undersigned counsel, respectfully files this Notice of Removal of this action to this Court from the Magistrate Court of Gwinnett County, Georgia, where it is now pending, in accordance with 28 U.S.C. §§ 1331, 1332, 1441, and 1446.

Guild supports this removal as follows:

BACKGROUND

1. On November 22, 2022, Plaintiff Marnay Harris ("Plaintiff") filed a "Statement of Claim" (the "Complaint") in the Magistrate Court of Gwinnett County, Georgia (Case No. 22-M-42136). A copy of the Complaint and all papers filed with the Magistrate Court of Gwinnett County are attached hereto as **Exhibit A**.

2. Plaintiff served Guild with process on or about December 12, 2022. This Notice is filed within 30 days of any potential deadline for removal. Therefore, this Notice of Removal is timely, as required by 28 U.S.C. § 1446(b).

3. No further proceedings have been filed in the Magistrate Court for Gwinnett County, Georgia, with respect to this action, and the pleadings attached in Exhibit A constitute the only pleadings filed in this matter to date.

4. This action is removable to federal court pursuant to 28 U.S.C. § 1441 because it could have been filed originally in this Court pursuant to the jurisdiction conferred by 28 U.S.C. § 1331. Plaintiff's Statement of Claim alleges injury caused by Guild's furnishing of credit information to credit reporting agencies. This clearly alleges a violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

VENUE

5. Venue for removal is proper in this district and division under 28 U.S.C. § 1441(a) because this district and division embrace the Magistrate Court of Gwinnett County, Georgia, the forum in which the removed action was pending.

NOTICE

6. Notice to the Magistrate Court of Gwinnett County, Georgia, which includes a duplicate of this Notice of Removal to Federal Court, is being filed with the Clerk of the Magistrate Court of Gwinnett County, Georgia, as provided by 28 U.S.C. § 1446(d). A copy of this Notice is attached as **Exhibit B**.

7. Written notice of the filing of this Notice of Removal will be sent to Plaintiff, the only adverse party, as provided in 28 U.S.C. § 1446(d). A copy of this notice is attached as **Exhibit C**.

WHEREFORE, Defendant prays that the Complaint filed by Plaintiff in the Magistrate Court of Gwinnett County, Georgia, be removed to this Court.

{Signature on next page}

Respectfully submitted this 11th day of January, 2023.

/s/ Dylan W. Howard

Dylan W. Howard

Georgia Bar No. 370267

*Counsel for Defendant Guild Mortgage
Company LLC*

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CERTIFICATION OF FONT

I hereby certify that the foregoing document has been prepared in 14-point Times New Roman font and complies with LR 5.1(B), NDGa.

This 11th day of January, 2023.

/s/ Dylan W. Howard

Dylan W. Howard

Georgia Bar No. 370267

*Counsel for Defendant Guild Mortgage
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CERTIFICATE OF SERVICE

This will certify service of a copy of the foregoing **NOTICE OF REMOVAL TO FEDERAL COURT** by U.S. Mail upon the following:

Marnay Harris
115 Emberly
Warner Robins, GA 31088

This 11th day of January, 2023.

/s/ Dylan W. Howard
Dylan W. Howard
Georgia Bar No.
Dylan W. Howard
Georgia Bar No. 370267
*Counsel for Defendant Guild Mortgage
Company LLC*

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